

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

CHANA NATHAN PASIK,	*	Case No. 19-CV-02357 (FB)
	*	
Plaintiff,	*	Brooklyn, New York
	*	December 11, 2019
v.	*	
	*	
BOON TECHNOLOGIES, LLC,	*	
et al.,	*	
Defendants.	*	
	*	
* * * * *		

TRANSCRIPT OF CIVIL CAUSE FOR INITIAL CONFERENCE  
BEFORE THE HONORABLE JAMES ORENSTEIN  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff:	MARK SCHLACHET, ESQ. Law Offices of Mark Schlachet 3515 Severn Road Cleveland, OH 44118
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For the Defendants:	JONAS NOAH HAGEY, ESQ. BraunHagey & Borden LLP 7 Times Square New York, NY 10036
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DAVID KWASIEWSKI, ESQ. MATTHEW B. BORDEN, ESQ. BraunHagey & Borden LLP 351 California Street San Francisco, CA 94104
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1 (Proceedings commenced at 2:05 p.m.)

2 THE CLERK: Civil cause for initial conference,  
3 Pasik vs. Boon Technologies, LLC, et al., docket no. 19-  
4 Civil-2357.

5 Would you all please state your appearances for the  
6 record, starting with the plaintiff.

7 MR. SCHLACHET: Mark Schlachet for the plaintiff.

8 THE COURT: Good afternoon.

9 MR. SCHLACHET: Good afternoon, Your Honor.

10 MR. KWASNIEWSKI: Good afternoon, Your Honor. David  
11 Kwasniewski for the defendants.

12 THE COURT: Good afternoon. All right, folks.

13 Mr. Kwasniewski, can you give me a suggestion,  
14 please, of what words or gestures I should use in the future  
15 to convey sufficiently for your purposes that an order is  
16 something that you must comply with?

17 MR. KWASNIEWSKI: Well, Your Honor --

18 THE COURT: Typically, something that says so  
19 ordered, or words substantively the same, is sufficient for  
20 most of the attorneys who appear in this court and typically  
21 saying it once suffices.

22 I'm learning that isn't sufficient for you. I'm not  
23 sure if it's because you normally practice elsewhere or not,  
24 but would you just please tell me what I can say or do so  
25 that you will comply with an order the first time?

1 MR. KWASNIEWSKI: Well, Your Honor, let me --

2 THE COURT: Answer that question, please. Don't  
3 tell me something else. Just answer that question, please.

4 MR. KWASNIEWSKI: Going forward there's nothing  
5 more you need to say or do, Your Honor.

6 THE COURT: All right. I will get compliance with  
7 an order the first time, correct?

8 MR. KWASNIEWSKI: Yes, Your Honor.

9 THE COURT: All right. And do you understand, and  
10 if you don't, please do understand, I will not hesitate to  
11 disqualify you from this case, refer you to the disciplinary  
12 committee, impose sanctions on your client if we have to go  
13 through this exercise again.

14 You began your appearance here by violating several  
15 Rules of Professional Conduct. You've continued, despite  
16 warnings, to ignore explicit court orders without any good  
17 faith basis.

18 So do you understand that if it happens again, you  
19 will be disqualified and referred to the Committee on  
20 Grievances?

21 MR. KWASNIEWSKI: I do understand that, Your Honor.

22 THE COURT: Good. Is there anything anyone wants  
23 to tell me about issues that are likely to come up in the  
24 discovery schedule that Mr. Schlachet has proposed?

25 Any problems in timing or substantive issues that

1       you anticipate will be in dispute with respect to the  
2       exchange of discovery?

3               MR. SCHLACHET: Nothing for us, Your Honor.

4               MR. KWASNIEWSKI: Nothing from the defendants, Your  
5       Honor.

6               THE COURT: All right. I'll enter the schedule  
7       that Mr. Schlachet proposed.

8               Why don't we plan on getting together on March 4th  
9       at 11:30 for a status conference. Everything's on track and  
10      if you don't have any disputes for me to resolve, let me know  
11      and we can adjourn it.

12              Is there anything else anyone wants to raise today?

13              MR. SCHLACHET: Nothing from plaintiff, Your Honor.

14              MR. KWASNIEWSKI: Nothing else from the defendants,  
15      Your Honor.

16              THE COURT: Have a good day.

17              MR. SCHLACHET: Thank you, Your Honor.

18              MR. KWASNIEWSKI: Thank you, Your Honor.

19              (Proceedings concluded at 2:09 p.m.)  
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2 I, CHRISTINE FIORE, court-approved transcriber and  
3 certified electronic reporter and transcriber, certify that  
4 the foregoing is a correct transcript from the official  
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9 \_\_\_\_\_ January 28, 2019

10 Christine Fiore, CERT

11 Transcriber  
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